

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

CELSIUS NETWORK INC., et al.,

Defendants.

Civil Action No. 1:23-cv-6009-DLC

**REPLY MEMORANDUM OF LAW IN SUPPORT OF  
DEFENDANT ALEX MASHINSKY'S MOTION TO DISMISS THE COMPLAINT**

Defendant Alex Mashinsky (“Mashinsky”), by and through his attorneys, respectfully submits this reply memorandum of law in further support of his motion to dismiss the Complaint (ECF No. 1), pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

To avoid duplicative briefing, Mashinsky joins in the arguments raised in Section II and Section III of the Reply Memorandum of Law in Further Support of Defendant Hanoch “Nuke” Goldstein’s Motion to Dismiss (ECF No. 54) (“Reply”). For the reasons set forth therein, and those set forth in the moving brief and Mashinsky’s joinder therein, the FTC’s claims against Mashinsky under the Federal Trade Commission Act (“FTCA”) in Counts I and II of the Complaint and under the Gramm-Leach-Bliley Act (“GLBA”) in Count III of the Complaint should be dismissed in their entirety.

Accordingly, the Court should grant Mashinsky’s motion and dismiss the Complaint against him in its entirety.

Dated: October 6, 2023  
White Plains, New York

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